

## **Subchapter Eight: Water Quality Control - South San Francisco System**

### **3.08.010 Purpose and Intent.**

The Town of Colma has contractual arrangements with the City of South San Francisco for sewage disposal. It is the intent of this Subchapter to comply with the standard laws and regulations of South San Francisco with respect to sewer facilities connected to or affecting South San Francisco sewer facilities. This subchapter sets forth uniform requirements established by South San Francisco for direct and indirect contributors into the wastewater collection and treatment system for the City of South San Francisco and enables South San Francisco to comply with all applicable State of California laws (Water Code Section 1300 et seq.) and Federal laws required by the Clean Water Act of 1977 (33 U.S.C. Section 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will upset or interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system;
- (e) To prevent the exposure of workers at the publicly owned treatment works and the collection system to chemical hazards.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users, and through enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs.

This chapter shall apply throughout Colma with respect to facilities connected to the sewer facilities of the City of South San Francisco, and to persons outside the city who are, by contract or agreement with the city, users of South San Francisco's water quality control plant. Except as otherwise provided herein, the superintendent of the water quality control plant shall administer, implement, and enforce the provisions of this chapter.

*[History: formerly § 3.701; ORD. 389, 04/12/89; ORD. 638, 12/14/05]*

### 3.08.020 Definitions.

(a) *Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. Section 1251 et seq., as amended.

(b) *Authorized Representative of Industrial User.* An authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(c) *Biochemical Oxygen Demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration as milligrams per liter.

(d) *Pretreatment Standards.* Pretreatment standards include national categorical pretreatment standards, national prohibited discharge standards, and the City's local limits.

(e) *Chemical Oxygen Demand (COD).* The equivalent quantity of oxygen utilized during oxidation of organic and inorganic matter in wastewater under the conditions of the C.O.D. test described in standard methods, expressed in milligrams per liter.

(f) *Contamination.* Impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

(g) *Cooling Water.* The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(h) *Department of Environmental Services.* The San Mateo County Department of Environmental Services or any successor.

(i) *Direct Discharge.* The discharge of treated or untreated wastewater directly to the waters of the State.

(j) *Domestic or Residential Premises.* Of or pertaining to single family, duplex, or multiple family dwelling.

(k) *Environmental Protection Agency (EPA).* The U.S. Environmental Protection Agency or one of its duly authorized officials.

(l) *Garbage.* Solid wastes from the preparation, cooking and dispensing of foods, and from the handling, storage and sale of produce. "Properly ground garbage" is the waste from the preparation, cooking and dispensing of foods which have been ground to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers.

- (m) *Grab Sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (n) *Grease.* Greases, oils, fats, fatty acids, waxes, soaps, or other matter which is so determined in accordance with the standard methods examination for grease in polluted waters.
- (o) *Holding Tank Waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (p) *Indirect Discharge.* The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b), (c) or (d) of the Clean Water Act (CWA), into the water quality control facilities (including holding tank waste discharged into the system).
- (q) *Industrial User.* A source of indirect discharge (corresponding definition 40 CFR 403.8).
- (r) *Industrial Waste.* The gaseous, liquid and solid wastes from any producing, manufacturing or personal service industries, or from any processing operation of whatever nature, including the washing of vehicles, machines and equipment.
- (s) *Interference.* A discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, causes a violation of the POTW's National Pollutant Discharge Elimination System (NPDES) permit or prevents sewage sludge use or disposal in compliance with Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (t) *Mass Emission Rates.* Pounds per day in waste or waste discharge of designated materials.
- (u) *National Categorical Pretreatment Standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to the standards specified in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (v) *National Pollution Discharge Elimination System (NPDES) Permit.* A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (w) *National Prohibitive Discharge Standard or Prohibitive Discharge Standard.* Any regulation developed under the authority of Section 307(b) of the Act (33 U.S.C. 1347) and 40 CFR Section 403.5.
- (x) *Natural Outlet.* Any outlet into a watercourse, pond, ditch, lake, bay, ocean or other body of surface water, or into the ground water.

(y) *New Source.* Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards pursuant to Section 307 (c) of the Clean Water Act which will be applicable to such source if such standards are promulgated, provided certain location and construction criteria are met.

(z) *Pass Through.* Discharge through the POTW to navigable waters which, alone or in conjunction with discharges from other sources, is the cause of a violation of the NPDES permit.

(aa) *Person:* [See, section 1.01.100]

(bb) *pH.* The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(cc) *Pollution.* The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

(dd) *Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock sand, cellar dirt, industrial, municipal or agricultural waste discharged into water.

(ee) *Pretreatment or Treatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

(ff) *Pretreatment Program.* A program to protect the water quality control facilities, its workers and the environment from adverse impacts that may occur when hazardous or toxic wastes are discharged into the sewage system.

(gg) *Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(hh) *Publicly Owned Treatment Work (POTW).* A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the Cities of South San Francisco and San Bruno.

(ii) *Sanitary Sewage.* Domestic or domestic-like sewage.

(jj) *Sewage.* (See Wastewater) Water-carried and liquid wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present, or any combination of such wastes and waters.

(kk) *Sewage Facilities.* The arrangement of devices and structures used for the transportation, treatment and disposal of sewage, including but not limited to, intercepting sewers, sewage treatment works, pumping plants, outfall sewers and appurtenances constructed, operated and maintained by the city for sewage disposal purposes.

(ll) *Sewer.* A pipe or conduit for carrying water, sewage and/or wastewater; and the following:

- (1) *Building sewer* means a sewer conveying wastewater from the premises of a user to a public sewer.
- (2) *Public sewer* means a sewer which is controlled by the city or other agency.
- (3) *Sanitary sewer* means a sewer for domestic, commercial and industrial waste to which storm, surface and ground waters are not intentionally admitted.
- (4) *Side sewer* means a sewer conveying the waste water of a discharge from a residence, building or other structure to a public sewer, including direct connections where permitted.
- (5) *Storm sewer* means a sewer which carries storm and surface waters, but from which sewage and polluted industrial, commercial and institutional wastes are required to be excluded.

(mm) *Significant Industrial User.*

- (1) All categorical industrial users (see National Categorical Pretreatment Standard);
- (2) Any non-categorical industrial user that (a) discharges 25,000 gallons or more per day of process wastewater, or (b) contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant, or (c) has a reasonable potential, in the opinion of the city, to adversely affect the POTW (i.e., inhibition, pass through of pollutants, sludge contamination, or endangerment of POTW and collection system workers).

(nn) *Standard Industrial Classification (SIC).* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or any successor.

(oo) *Standard Methods.* The latest United States Environmental Protection Agency approved edition of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by American Public Health Association, American Water Works Association, and the Water Pollution Control Federation on methods deemed equivalent by the Superintendent and the Water Quality Control Board for the San Francisco Bay region, herein referred to for definitions, laboratory procedures of analysis, tests (including test samples), and measurements.

(pp) *Storm Sewer.* A sewer which carries storm surface waters to San Francisco Bay, but from which sewage, polluted industrial, commercial and institutional wastes are required to be excluded.

(qq) *Storm Water.* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(rr) *Suspended Solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

(ss) *Superintendent.* The Superintendent of the Water Quality Control Plant who is charged with certain duties and responsibilities by this chapter, or the superintendent's authorized representative.

(tt) *Toxic Pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act (33 U.S.C. 1317) or other acts.

(uu) *Upset.* Any incident in which one or more pollutants cause the removal efficiency for a treatment process at the POTW to be dramatically reduced.

(uu-2) *User* means any person who contributes, causes or permits the contribution of wastewater into the water quality control plant."

(vv) *Waste.* All waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, personal service industry, or processing operation of whatever nature.

(ww) *Wastewater.* The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the water quality control facilities.

(xx) *Water Quality Control Facilities.* A wastewater treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by South San Francisco. This definition includes any sewers that convey wastewater to the water quality control plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, water quality control facilities shall also include any sewers that convey wastewaters to the plant from persons outside the city who are, by contract or agreement with the city, users of the city's water quality control facilities. The portion of the facilities designed to provide treatment to wastewater is the water quality control plant.

(yy) *Waters of the State or Watercourse.* All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or

private, which are contained within, flow through, or border upon the State or any portion thereof.

[History: formerly § 3.702; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

## **I. PERMITS**

### **3.08.030 Wastewater Discharge Permits.**

(a) It is unlawful to discharge without a permit into any natural outlet within the city or into the water quality control facilities any wastewater, except as authorized by the superintendent in accordance with the provisions of this chapter.

(b) All significant users proposing to connect to or to contribute to the water control facilities shall obtain a wastewater discharge permit from the superintendent before connecting to or contributing to any public sewer.

(c) Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, accompanied by a fee, as set forth in the city's fee schedule established by resolution of the City Council. Proposed new users shall apply at least ninety days prior to connecting to or contributing to the water quality control facilities. Users shall be classified as residential, institutional, commercial, or industrial. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, mailing address, and location of use (if different from the address), business license number and expiration date;
- (2) SIC number, according to the Standard Industrial Classification Manual;
- (3) Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act (33 U.S.C. 1314) and contained in 40 CFR, Part 136;
- (4) Time and duration of contribution;
- (5) Average daily and thirty minute peak waste water flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state or federal pretreatment standards, and a statement, signed by an authorized representative of the user and certified to be a qualified professional, regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance or additional pretreatment is required for the user to meet applicable pretreatment standards.

(9) If additional pretreatment operation and maintenance will be required to meet the pretreatment standards the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (B) No increment referred to in the preceding paragraph shall exceed nine months.
  - (C) Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) A Baseline Monitoring Report (BMR) must be submitted, in compliance with, and containing all the information required by, 40 CFR 403.12 (b) and such other information as may be deemed by the City to be necessary to evaluate the permit application.



The BMR, 90-day compliance reports, and periodic compliance reports from Categorical Industrial Users must be signed by the appropriate official as specified in 40 CFR 403.12(1), and contain the certification statement in 40 CFR 403.6(a)(2)(ii).

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions.

[History: formerly § 3.710; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

#### **3.08.040 Sewer Design and Construction.**

All new sewers and connections to new and existing sewers shall be designed and constructed in accordance with the Uniform Building Code then in effect, and other applicable city ordinances. The applicant for a permit to construct sewers or connections shall furnish the chief building inspector with a copy of the wastewater discharge permit.

[History: formerly § 3.711; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

#### **3.08.050 Permit Modifications.**

Wastewater discharge permits subject to the National categorical pretreatment standards will be modified by the City, as soon as possible subsequent to a change in federal standards. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within one hundred eighty days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty days after the promulgation of an applicable federal categorical pretreatment standard the information required by Section 3.08.120.

[History: formerly § 3.712; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

#### **3.08.060 Permit Conditions.**

(a) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the city. Commercial and industrial users must maintain a current city business license. Permits may contain the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics;
- (2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

- (3) Requirements for installation and maintenance of inspection, monitoring and sampling facilities and monitoring equipment;
- (4) Specifications for source control and monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Compliance schedules;
- (6) Requirements for submission of technical reports or discharge reports;
- (7) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the city, and affording city access thereto;
- (8) Requirements for notification to the City of any increased contributions of pollutants, changes in the nature of pollutants, or of any introduction of new wastewater constituents where such contributions would cause the POTW to violate its NPDES permit shall be applicable to all industrial users of the POTW (whether permitted or not). In compliance with 40 CFR 403.12(j) all IUs must notify the City prior to any increased contributions of pollutants, or changes in the character of pollutants in their discharges, including hazardous wastes;
- (9) Requirements for notification of sludge discharges; and
- (10) Pursuant to 40 CFR, 403.8(f)(2)(v), significant industrial users must have a plan to control slug discharges. The plan must contain at a minimum: (A) a description of discharge practices, including non-routine batch discharges; (B) description of stored chemicals; (C) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days.

If discharge sampling performed by an IU indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user must also resample and submit the resampling to the City within 30 days.

- (11) Industrial users must keep records of monitoring activities and results for a minimum of 3 years, or longer in the case of unresolved litigation, or when requested by the City.
  - (12) Other conditions as deemed appropriate by the City and in accordance with 40 CFR 403.12(g).
- (b) The superintendent, or the superintendent's designee, may amend the terms and conditions of a wastewater discharge permit or add new and different terms and conditions to meet the requirements of applicable Federal and State statutes, city ordinances and administration orders issued pursuant thereto.

[History: formerly § 3.713; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **3.08.070 Permit Duration.**

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year, or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in a permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

[History: formerly § 3.714; ORD. 389, 04/12/89;; ORD. 638, 12/14/05]

### **3.08.080 Permit Transfer.**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or users shall also comply with the terms and conditions of the existing permit.

[History: formerly § 3.715; Ord. 389, 04/12/89; Ord. 638, 12/14/05]

### **3.08.090 Reporting Requirements for Permittee.**

(a) Within ninety days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the water quality control facilities, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional acts are necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

(b) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the water quality control facility shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record

of all daily flows which during the reporting period exceed the average daily flow reported. At the discretion of the superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are submitted.

(c) All industrial users shall notify, in writing, the City, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. The notification process should be in compliance with the specifics outlined in 40 CFR 403.12(p).

(d) The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (b) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act (33 U.S.C. 1314) and contained in 40 CFR Part 136 and amendments thereto, or with any other approved test procedures. Sampling shall be performed in accordance with the approved techniques.

[History: formerly § 3.716; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **3.08.100 Monitoring Facilities and Programs.**

(a) The superintendent may require users to conduct and maintain monitoring programs as a means of controlling the quantity and quality of the discharge so that discharges comply with the provisions of this chapter. The monitoring program shall consist of test samples and analyses, the frequency and type of which shall be specified by the superintendent. Upon demonstrating to the superintendent that the user has the necessary qualifications and equipment to conduct the monitoring program, or that the user has retained the services of a qualified consultant or laboratory so certified by the State Department of Public Health, the user may conduct this monitoring program. The user shall submit monitoring reports to the superintendent monthly, unless the superintendent determines a different frequency for the periodic monitoring reports, in which case, the superintendent shall specify the report frequency to the user by written notice, stating the reasons therefore. If the user fails, refuses or neglects to conduct and maintain the required monitoring program, or does not have qualified personnel and equipment therefore, or does not have the services of a qualified consultant or laboratory so certified by the State Department of Public Health, then the superintendent may establish a monitoring program with city personnel, if available, or with services of a qualified consultant or laboratory so certified by the State Department of Public Health, the cost of which shall be charged to the user and/or parcel owner.

(b) The city may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed off-premises. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction shall be completed within ninety days following commencement.

[History: formerly § 3.717; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.110 Inspection and Sampling.**

(a) The City shall inspect, as the superintendent deems necessary, the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any duties. The City and personnel from other governmental agencies shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the City and other governmental agencies will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The superintendent may require any nonresidential user to construct, at the user's own expense, a sampling facility or inspection manhole, together with necessary related measuring and sampling equipment, in accordance with construction standards and specifications of the city. The sampling facility, or well, or inspection manhole, shall be constructed on the lateral side sewer of the user, and installed at a point where the sampling well intercepts all wastes from the discharging source. The well shall also be within a clear easement area at a location which will permit the city access to the facility at all times. Construction shall be completed within sixty days of written notification from the superintendent, unless such time is extended by the superintendent for good cause. The superintendent may require the user to install such sampling facilities or inspection manholes on each lateral sewer.

[History: formerly § 3.718; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **3.08.120 Pretreatment Compliance.**

(a) Users shall provide necessary wastewater treatment as required to comply with this chapter, and shall achieve compliance with all national pretreatment standards within the time

limitations, as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter or regulations promulgated by the superintendent in accordance with this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

(b) The City shall annually publish notification, in the largest daily newspaper published in the County of San Mateo, a list of the IUs which were in significant noncompliance with any applicable standards with which it must comply during the previous twelve months. The notification may also summarize any enforcement actions taken against the user(s) during the same twelve months.

(c) An industrial user is in significant noncompliance if its violation meets one or more of the criteria specified in 40 CFR 403.8(f)(2)(vii).

(d) All records relating to compliance with pretreatment standards shall be made available to state and federal officials upon request.

(e) The City shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements, and may seek additional penalties pursuant to 40 CFR 403.8(f)(1)(vi)(A).

[History: formerly § 3.719; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

## **II. REGULATIONS**

### **3.08.130 General Discharge Regulations.**

(a) Sanitary sewage shall be discharged only into public sanitary sewers, except as otherwise provided. It is unlawful to construct, maintain, or use within the city any privy, septic tank, cesspool or other such facility designed or intended to be utilized for the disposal of sewage without first obtaining a permit under the provisions of Subchapter 5 relating to individual sewage disposal systems. It is unlawful to discharge sewage into any storm sewer.

(b) It is unlawful to discharge or cause to be discharged directly or indirectly, any pollutant or wastewater into any storm sewer or into any sewage facility which will interfere with the operation or performance or pass through of the water quality control facilities. These general prohibitions apply to all users whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. The discharge of the following is prohibited:

(1) Any wastestreams with a closed-cup flashpoint of less than 140DF or 60DC (using the test methods specified in 40 CFR 261.21), liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the water quality control facilities or to the operation of the water quality control plant. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent, nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 units or greater than 12.0 units, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the water quality control facilities.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the water quality control facilities, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act (33 U.S.C. 1317).

(5) Any noxious or malodorous liquids, gases or solids which either singly, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the water quality control plant's effluent or any other product, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to water quality control facilities cause the water quality control plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

- (7) Any substance which will cause the water quality control plant to violate its NPDES permit or state disposal system permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the water quality control plant which exceeds forty degrees centigrade (one hundred four degrees Fahrenheit).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which a user knows or has reason to know will cause interference to the water quality control facilities. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four hour concentration, quantities, or flow during normal operation.

The user shall be in compliance with the City's limit relative to flow rate or pollutant concentration. If the City has not established a local limit, then the user must not have changed its discharge from prior discharges when the POTW was in compliance with its NPDES permit.

- (11) Any wastewater containing any radioactive wastes or isotopes.
- (12) Any pesticides containing algacides, antibiotics, fungicides, herbicides, insecticides, or any similar pesticides in amounts deleterious to any sewage treatment process or to the aquatic life of the waters receiving the effluent.
- (13) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the superintendent determines that a user is contributing any of the above enumerated substances in such amounts as to interfere with the operation of the water quality control facilities, the superintendent shall take enforcement action as necessary to get such user to correct the interference. In the event of imminent harm to the public, the superintendent may take whatever action is necessary to correct the interference, and the user shall be responsible for all costs incurred.

[History: formerly § 3.720; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **3.08.140 Wastewater Concentration of Chemicals.**

- (a) It is unlawful to discharge or cause to be discharged any wastewater into the public sanitary sewers if the concentration of any of the constituents of the wastewater exceeds the



limits established by resolution of the city council. (Maximum permissible concentrations are normally expressed in milligrams per liter.)

(b) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(c) The superintendent may impose quantitative limitations, e.g. pounds per day limits, on discharges or any constituent of the wastewater when the discharge or constituent may unreasonably overload, adversely affect the facilities or have a harmful effect upon the receiving waters. Mass emission rates, or other similar techniques having a reasonable relationship to evaluating or measuring waste discharges, may be used.

[*History:* formerly § 3.721; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.150 National Pretreatment Standards.**

Industrial users must comply with applicable national categorical pretreatment standards, national prohibited discharge standards, or the City's local limits, whichever are the most stringent.

The national categorical standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this ordinance. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

[*History:* formerly § 3.722; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **3.08.160 Modification of Federal Categorical Pretreatment Standards.**

Where South San Francisco's water quality control plant achieves consistent removal of pollutants limited by federal pretreatment standards, South San Francisco may apply for modification of specific limits in the federal pretreatment standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the water quality control plant to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in 40 CFR, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution". The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Section 403.7 are fulfilled and prior approval is obtained.

[*History:* formerly § 3.723; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.170 Excessive Discharge.**

It is unlawful to increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limits contained in the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the city or state.

[History: formerly § 3.724; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.180 Accidental Discharges.**

(a) Each user shall provide protection from accidental discharge of prohibited materials or other regulated substances. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by January 1, 1991. No user who commences contribution to the water quality control facilities after effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the water quality control plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the water quality control facilities, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under the Colma Municipal Code, or other applicable laws.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

[History: formerly § 3.725; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.190 Harmful Discharges.**

(a) The superintendent may suspend the wastewater treatment service or a wastewater discharge permit when such suspension is necessary, in the opinion of the superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or threatens to cause interference to the water quality control facilities, or causes or threatens to cause South San Francisco to violate any condition of its NPDES permit.

(b) Any user notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the city shall take such steps as

deemed necessary, including a cease and desist order or immediate severance of the sewer connection, to prevent or minimize damage to the water quality control facilities or endangerment to the water quality control facilities or endangerment to any individuals. The city shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen days of the date of occurrence.

[*History:* formerly § 3.726; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **III. ADMINISTRATION**

#### **3.08.200 Fees and Financial Guarantees.**

(a) The city may adopt fees to provide for the recovery of costs from users of the water quality control facilities. Such fees may include, but are not limited to, connection charges, permits, monitoring, inspections and surveillance procedures, accidental discharge matters, appeals, reimbursement of costs incurred by city for removal of pollutants, and any other fees the city deems necessary to carry out the requirements of this chapter. The applicable fees shall be as set forth in resolution of the city council.

(b) A sewer connection fee shall be paid by the user or parcel owner for connection to a public sanitary sewer at the time the building permit is issued, or if no building permit is necessary, prior to the time the connection is operational. When a change in use from residential to commercial occurs, the difference in connection charges shall be paid.

(c) Initial applications and renewal applications for a wastewater discharge permit shall be accompanied by a nonrefundable processing fee.

(d) If the imposition of special controls on wastewater discharges become necessary a corporate surety bond, or equivalent guarantee to insure performance, may be required of a user.

[*History:* formerly § 3.730; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

#### **3.08.210 Confidential Information.**

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the

public, but shall be made available upon written request to governmental agencies for uses related to this chapter, NPDES permit, state disposal system permit or the pretreatment programs. Such a report shall be available for use by the city, state, or any governmental agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the city as confidential shall not be transmitted to any governmental agency, other than the City of South San Francisco, with the exception of the Environmental Protection Agency, in compliance with 40 CFR 403.8(f)(1)(vii) and 40 CFR 403.14, or to the general public by the City, until and unless a ten day notification is given to the user.

[History: formerly § 3.731; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

#### **IV. ENFORCEMENT**

##### **3.08.220 Authority of Superintendent.**

(a) The superintendent has the authority to enforce compliance with the provisions of this chapter, and to promulgate regulations designed to assist in achieving compliance.

[History: formerly § 3.740; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

##### **3.08.230 Abatement Order by Superintendent.**

When the superintendent finds that a discharge of wastewater is taking place, or threatening to take place, in violation of prohibitions or limits of this chapter, or regulations promulgated by the superintendent in accordance with this chapter, or wastewater source control requirements, or the provisions of a wastewater discharge permit, the superintendent may issue an abatement order and direct that those persons not complying with such prohibitions, limits, regulations, requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a reasonable time schedule set by the superintendent; or
- (c) In the event of a threatened violation, take appropriate remedial or preventive action.

In cases of imminent harm to the public, the superintendent may enter private property if necessary to sever service.

[History: formerly § 3.741; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.240 Notice of Violation.**

(a) Whenever the source control inspector finds that any user has violated or is violating the provisions of this chapter, the inspector may serve upon such user a written notice stating the nature of the violation. Within forty-five days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(b) The source control inspector may order any user who causes or allows an unauthorized discharge to enter the water quality control facilities to show cause before the superintendent why the proposed enforcement action should not be taken. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(c) After an informal hearing is held, the superintendent shall render a decision in writing.

*[History: formerly § 3.742; ORD. 389, 04/12/89; ORD. 638, 12/14/05]*

### **3.08.250 Appeals.**

(a) Superintendent Review. Any discharger affected by any decision, action, or determination, including abatement orders, made by the superintendent in interpreting or implementing the provisions of this chapter, or any permit issued hereunder, may file with the superintendent a written request for review within ten days of such decision, action, or determination, setting forth in detail the facts supporting the request. The superintendent shall complete the review and issue a written determination within ten days after receipt of the request, unless the city engineer reasonably extends the time thereof.

(b) Written appeal to city engineer. The superintendent's original decision, action or determination, and action taken after review may be appealed to the city engineer by the discharger affected by filing a written appeal with the city engineer within ten days after the notice of the decision of the superintendent. The City Engineer or the City Manager may designate the City Engineer of South San Francisco as "the city engineer" for the purposes of this section 3.743, in which case all references to "the city engineer" shall mean the City Engineer of South San Francisco. The written appeal shall specify what is being appealed and state all pertinent aspects of the matter. Within thirty days after the written appeal is filed, the city engineer shall hold a hearing. Notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation.

(1) At the time and place designated in the notice, the city engineer shall hear and consider all relevant evidence. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it would be admissible over objections in civil actions in courts of

competent jurisdiction in this state. The discharger may represent itself or be represented by anyone of its choice. The hearing may be continued from time to time.

(2) Within ten days after the conclusion of the hearing, the city engineer shall render a written decision and where applicable an Order of Abatement. This decision shall set forth the factual findings made by the city engineer, the conclusion reached, any abatement required, and the date by which such abatement shall occur. The decision of the city engineer is final.

[History: formerly § 3.743; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.260 Summary Abatement.**

Whenever any discharge or potential discharge causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public, the condition or use may be summarily abated by the city without notice or hearing. Summary abatement shall be ordered only by the city manager. Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety. Notice of the summary abatement shall be served personally or by registered or certified mail, return receipt requested. Service may be made on any agent or officer of a corporation. The costs and expenses of a summary abatement may be made a lien on the property and may be collected pursuant to the procedure set forth in Section 3.08.300.

[History: formerly § 3.744; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.270 Grounds for Revocation or Modification of Permit.**

Any user who violates any of the following conditions, or any applicable state and federal regulations, is subject to having a permit revoked or modified by the city for:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of the discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (d) Violation of conditions of the permit.

[History: formerly § 3.745; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

### **3.08.280 Revocation or Modification Procedure.**

(a) An action to revoke or modify a permit may be initiated in writing by the superintendent or the city engineer, or the City Engineer of South San Francisco. The initiating request shall be filed with the city manager and shall set forth grounds for revocation or modification. The City Manager, or the City Council by motion, may designate the City Manager of South San Francisco as "the city manager" for the purposes of this section 3.08.280, in which case all references to "the city manager" under (b) and (c) below shall refer to the City Manager of South San Francisco.

(b) Within thirty days after the initiating request is filed, the city manager shall hold a hearing. Notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation. At the time and place designated in the notice, the city manager shall hear and consider all relevant evidence. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it would be admissible over objections in civil actions in courts of competent jurisdiction in this state. The discharger may represent itself or be represented by anyone of its choice. The hearing may be continued from time to time.

(c) Within ten days of the conclusion of the hearing, the city manager shall render a written decision. The decision shall set forth the factual findings made by the city manager. The city manager may revoke or modify the terms of the permit. The decision of the city manager is final.

*[History: formerly § 3.746; ORD. 389, 04/12/89; ORD. 638, 12/14/05]*

### **3.08.290 Damage, Obstruction, or Impairment to Facilities.**

Any person who intentionally or negligently damages, obstructs, or otherwise impairs a public sewer, water quality control plant, or appurtenance thereto, shall be liable for such action and the city may assess the costs of repair against such person, or seek reimbursement through a court action.

*[History: formerly § 3.747; ORD. 389, 04/12/89; ORD. 638, 12/14/05]*

### **3.08.300 Costs of Abatement.**

(a) The superintendent shall keep an itemized statement of costs incurred by the city in abating or otherwise responding to violations of this chapter. Once a violation matter is concluded, the superintendent shall provide a copy of this statement to the discharger and to the city manager. The discharger may request a hearing before the city manager to contest the statement of costs. The request for a hearing shall be made within ten days of receipt of the

statement or the right to hearing shall be deemed waived. The city manager shall review the statement of costs and any information presented by the discharger, and may make any necessary revisions, corrections or modifications. The decision of the city manager is final.

(b) The procedure for recording the statement of costs as a lien against the property involved shall be as follows:

(1) If payment of the assessed costs and expenses is not received by the finance director within thirty days of the date appearing on the decision of the city manager, the finance director shall send to the city clerk two originals of a declaration that payment was not received. Upon receipt of the declaration of the finance director, the city clerk shall set a notice and hearing before the city council for the purpose of adopting a resolution confirming the statement of costs.

(2) After holding a hearing, the city council may adopt a resolution. The city clerk shall forward to the office of the recorder of the County of San Mateo one original certification by the finance director that payment was not received and one certified true copy of the resolution of the city council confirming the statement of costs with the statement of costs attached as an exhibit.

[History: formerly § 3.748; ORD. 389, 04/12/89; ORD. 638, 12/14/05]

## **V. PENALTIES**

### **3.08.310 Penalties.**

Any user who is found to have willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, unless otherwise specified, may be charged with a misdemeanor for each offense. The maximum penalty for each offense shall be fine and imprisonment not to exceed the fine and imprisonment provided in Section 36901 of the Government Code, as that section, or its successor, reads at the time of the offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

[History: formerly § 3.750; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]

### **3.08.320 Falsifying Information.**

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall be subject to misdemeanor prosecution and upon conviction, shall be punished in accord with the provisions of Section 36901 of the Government Code of California.

[History: formerly §3.751; ORD. 389, 04/12/89; ORD. 638, 12/14/05]



### **3.08.330 Civil Damages.**

Any person who violates any cease and desist order or suspension order, or who is in violation of any waste discharge requirement and/or other order creates a condition of pollution is hereby deemed to have created a public nuisance. Such person(s) shall be strictly liable for the sum of \$10,000 for each day, or portion thereof, during which the violation occurs.

*[History: formerly § 3.752; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]*

### **3.08.340 Injunction.**

Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, an injunction may be sought to restrain the continuance of such discharge. The City may also seek an injunction against nondischarge violation of pretreatment standards or requirements, or any other violation of this chapter.

*[History: formerly § 3.753; ORD. 389, 04/12/89; ORD. 455, 6/9/93; ORD. 638, 12/14/05]*

### **3.08.350 Cost Recovery by City.**

In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

*[History: formerly § 3.754; ORD. 389, 04/12/89; ORD. 638, 12/14/05]*

### **3.08.360 Remedies Cumulative.**

The remedies identified in this chapter are in addition to and do not superseded or limit any other civil or criminal remedies.

*[History: formerly § 3.755; ORD. 389, 04/12/89; ORD. 638, 12/14/05]*

